

1 Remarks

2 Amendments to the claims

3 Claims 1, 4, 12 and 31 have been amended. Specifically:

- 4 • claim 1 has been amended to include a limitation found in original claim 4;
- 5 • claim 4 (which depends indirectly from claim 1) has been amended to be
- 6 consistent with the amendments to claim 1;
- 7 • claim 12 has been amended to change the dependency from claim 1 to
- 8 claim 5; and
- 9 • claim 31 has been amended in the same manner that claim 12 has been
- 10 amended.

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12 Objection to claims 12-14

13 Claim 12 was objected to since there is no antecedent basis for “the

14 alignment device”.

15 The Examiner has correctly pointed out that claim 12 should depend from

16 claim 5, which would thus cure the lack of antecedent basis problem for claim 12, as

17 well as for claims 13-14 (which depend from claim 12).

18 Accordingly, claim 12 has been amended to depend from claim 5, which

19 recites “an alignment device”. Accordingly, claim 12, and claims 13-14 which

20 depend therefrom, should now be allowable. The Applicant therefore respectfully

21 requests that the objections to claims 12-14 be removed and the claims allowed.

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23 Rejection of claims 1, 2, 5-7 and 31 under 35 USC § 103(a).

24 Claims 1, 2, 5-7 and 31 have been rejected as being obvious over Applicant's

25 admitted prior art (e.g., Fig. 2).

Claims 1 and 31 (both independent claims) have each been amended to include the limitation that the document positioning device is configured to move the

document in a first direction, and in a second direction which is orthogonal to the first direction, with respect to the optical scanning device when the document is positioned between the base unit and the cover. This limitation (in slightly varying language) was found in original claim 4, and is clearly shown in the figures (e.g., Fig. 5) and the accompanying written description. This limitation is not shown in the prior art. As indicated in the "Prior Art" figures 1 and 2, in the prior art the document can only move in one direction (i.e., direction "F" of Fig. 1) with respect to the optical scanning device 28 (Fig. 2). As can clearly be seen, the prior art "document positioning device" (i.e., feed rollers 24 and 26) are only configured to move the document in a single direction, and not in two orthogonal directions, as is now required by claims 1 and 31.

For at least this reason the Applicant contends that claims 1 and 31 are now clearly distinguishable, and non-obvious, over the prior art, and should therefore be allowed. Since claims 2 and 5-7 depend from claim 1, they too should be allowed since it is axiomatic that a claim which depends from an allowable base claim is also allowable.

The Applicant therefore respectfully requests that the rejection of claims 1, 2, 5-7 and 31 as being obvious be removed and the claims allowed.

#### Allowable Subject Matter

Claims 18, 20-30 and 35-39 have been allowed. Claims 3, 4, 8-15 and 32-34 have been objected to as depending upon a rejected base claim, but are indicated as being allowable if rewritten to include all of the limitations of the base claim, and any intervening claim, from which they originally depended.

As indicated above, claims 1 and 31 have been amended to put them in allowable form. Since claims 3, 4, 8-15 depend (either directly or indirectly) from claim 1, and claims 32-34 depend (either directly or indirectly) from claim 31, these

1 dependent claims should also now be allowable without further amendment.  
2 Accordingly, the Applicant requests that the objection to claims 3, 4, 8-15 and 32-34  
3 be removed and the claims allowed.  
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5 Summary

6 The Applicant believes that this response constitutes a full and complete  
7 response to the Office action, and therefore requests that the Office issue a Notice of  
8 Allowance for claims 1-15, 18, and 20-39. The Examiner is respectfully requested to  
9 contact the below-signed representative if the Examiner believes this will facilitate  
10 prosecution toward allowance of the claims.  
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12 Respectfully submitted,

13 Charles Eric CANTWELL

14 Date: June 30, 2006

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